

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 13, 2006. Upon entry of the amendments in this response, claims 1 – 23, 52 – 102, and 113 remain pending. In particular, Applicants amend claims 1 – 23, 52, 60 – 70, 75 – 77, 81 – 82, 91 – 92, 100, 102, and 113 and cancel claims 23 – 52 and 103 – 112 without prejudice, waiver, or disclaimer. Applicants cancel claims 23 – 52 and 103 – 112 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Information Disclosure Statement

The Office Action indicates that, in an Information Disclosure Statement (IDS) filed June 16, 2003, Applicants cited the present application as prior art. Applicants submit that this citation was made in error and that the cited document need not be considered.

II. Objections to the Drawings

The Office Action indicates that the Figure 1 should be designated by a legend such as – Prior Art – because only what is old is illustrated, pursuant to MPEP §608.02(g). Applicants respectfully traverse this objection for at least the reason that FIG. 1 does not necessarily include “only what is old” as asserted by the Office Action. More specifically, as stated on page 5, line 7 of the present application, “Referring to FIG. 1A, one embodiment of a wireless subscriber

television can be seen. In general, this embodiment of the invention comprises a master set top box 100 that receives the multiplexed audio/video signal on connection 15 from a headend provider 1 (FIG. 1)." As embodiments of the present disclosure can be included in and/or coupled to at least one of the components of FIG. 1, Applicants respectfully submit that FIG. 1 does not necessarily include "only what is old" and respectfully traverse the objection to FIG. 1.

III. Claim Objections

In addition, the Office Action asserts that claims 37 and 38 are objected to because of the following informalities: each contains the phrase "...the device are mobile," however "device" has no antecedent basis. However, Applicants cancel claims 37 and 38 and consider this issue moot.

IV. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single cited art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1 is Patentable Over *Ellis*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 ("Ellis"). Applicants respectfully traverse this rejection on the grounds that *Ellis* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

A master set top terminal (STT), comprising:

a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal;

a *second tuner* tuning the television signal from the received multiplexed signal, into second tuned television signal;

an encoder coupled to the first tuner and receiving the first tuned television signal and digitally encoding the first tuned television signal;

a transmitter coupled to the encoder and transmitting the encoded signal to a remote STT to be displayed on a viewing device;

a receiver receiving a control signal from the remote STT corresponding to a user input; and

a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the tuned television signal in response thereto, such that the transmitter transmits a changed encoded signal to the remote STT for display on the viewing device. *(emphasis added)*

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “master set top terminal (STT), comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... a *second tuner* tuning the television signal from the received multiplexed signal, into second tuned television signal... [and] a transmitter coupled to the encoder and transmitting the encoded signal to a remote STT to be displayed on a viewing device” as recited in claim 1, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “master set top terminal (STT), comprising a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... a *second tuner* tuning the television signal from the received multiplexed signal, into second tuned television signal... [and] a transmitter coupled to the encoder and transmitting the encoded signal to a remote STT to be displayed on a viewing

device” as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable over the cited art.

B. Claim 17 is Patentable Over Ellis

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 (“*Ellis*”). Applicants respectfully traverse this rejection on the grounds that *Ellis* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 17 recites:

A master set top terminal (STT), comprising:
a *first tuner* tuning a digital television signal from a received multiplexed signal into a first tuned digital television signal;
a *second tuner* tuning the digital television signal from the received multiplexed signal into a second tuned digital television signal;
a transmitter coupled to the first tuner and *transmitting the first tuned digital television signal to a remote STT* to be displayed on a viewing device;
a receiver receiving a control signal from the remote STT corresponding to a user input; and
a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the first tuned digital television signal in response thereto, such that the transmitter transmits the changed first tuned digital television signal to the remote STT for display on the viewing STT within two seconds from the remote STT receiving the user input. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “master set top terminal (STT), comprising... a *first tuner* tuning a digital television signal from a received multiplexed signal into a first tuned digital television signal... a *second tuner* tuning the digital television signal from the received multiplexed signal into a second tuned digital television signal... [and] a transmitter coupled to the first tuner and *transmitting the first tuned digital television signal to a remote STT* to be displayed on a viewing device” as recited in claim 17, as

amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “master set top terminal (STT), comprising... a **first tuner** tuning a digital television signal from a received multiplexed signal into a first tuned digital television signal... a **second tuner** tuning the digital television signal from the received multiplexed signal into a second tuned digital television signal... [and] a transmitter coupled to the first tuner and **transmitting the first tuned digital television signal to a remote STT** to be displayed on a viewing device” as recited in claim 17, as amended. For at least this reason, claim 17, as amended, is allowable over the cited art.

C. Claim 52 is Patentable Over *Ellis*

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 (“*Ellis*”). Applicants respectfully traverse this rejection on the grounds that *Ellis* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 52 recites:

A television distribution system comprising:
a remote set top terminal (STT) comprising:
 a first receiver receiving an encoded video signal from a master STT;
 a decoder coupled to the first receiver and translating the encoded video signal into a decoded video signal suitable for a viewing device;
 a user interface receiving a user input and converting it to a control signal;
 a first transmitter coupled to the user interface and sending the control signal to the master STT to achieve a change in the encoded video signal;

the receiver receives a change in the encoded video signal responsive to the control signal, wherein the remote STT sends the change to the viewing device within three seconds of the user input;

a master STT comprising:

a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal;

a *second tuner* tuning a television signal from the received multiplexed signal into a second tuned television signal;

an encoder coupled to the first tuner and encoding the first tuned television signal;

a second transmitter coupled to the output of the encoder, and sending an encoded video signal to the remote STT;

a second receiver receiving the control signal from the remote STT; and

a controller coupled to the receiver and configured to accept the control signal from the receiver and instruct the first tuner to change the first tuned television signal in response thereto, such that the transmitter transmits a changed encoded signal to the remote STT for display on the viewing device within three seconds from the remote STT receiving the user input. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “television distribution system comprising... a master STT comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning a television signal from the received multiplexed signal into a second tuned television signal” as recited in claim 52, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “television distribution system comprising... a master STT comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning a television signal from the received

multiplexed signal into a second tuned television signal” as recited in claim 52, as amended. For at least this reason, claim 52, as amended, is allowable over the cited art.

D. Claim 82 is Patentable Over Ellis

The Office Action indicates that claim 82 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 (“*Ellis*”). Applicants respectfully traverse this rejection on the grounds that *Ellis* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 82 recites:

A method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of:
receiving a first compressed video signal from a first tuner of a master STT, ***wherein the master STT includes the first tuner and a second tuner;***
decompressing the first compressed video signal;
sending the first video signal to a viewing device;
receiving a user input corresponding to a requested change in the video signal;
deriving a control signal from the user input;
transmitting the control signal to the master STT;
receiving a second compressed video signal from the master STT, the second compressed video signal being tuned by the first tuner of the master STT; and
sending the second compressed video signal to the viewing device within three seconds from receiving the user input. ***(emphasis added)***

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of... ***receiving a first compressed video signal from a first tuner of a master STT,*** wherein the master STT includes the first tuner and a second tuner” as recited in claim 82, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio...

that is being distributed to the local interactive television program guide..." (p. 12, para. [0133]). Applicants respectfully submit that this is different than a "method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of... *receiving a first compressed video signal from a first tuner of a master STT*, wherein the master STT includes the first tuner and a second tuner" as recited in claim 82, as amended. For at least this reason, claim 82, as amended, is allowable over the cited art.

E. Claims 2 – 3, 15 – 16, 18, 53 – 54, 60 – 63, 83 – 84, 87 – 90, and 100 are Patentable Over Ellis

The Office Action indicates that claims 2 – 3, 15 – 16, 18, 53 – 54, 60 – 63, 83 – 84, 87 – 90, and 100 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 ("Ellis"). Applicants respectfully traverse this rejection on the grounds that *Ellis* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 2 – 3 and 15 – 16 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claim 18 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 17. Dependent claims 53 – 54 and 60 – 63 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 52. Dependent claims 83 – 84, 87 – 90, and 100 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 82. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

F. Claims 23 – 25, 28 – 32, 35, 37, and 38 are Patentable Over Ellis

The Office Action indicates that claims 23 – 25, 28 – 32, 35, 37, and 38 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication Number 2005/0028208 (“*Ellis*”). Applicants cancel these claims and consider this issue moot.

IV. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art.

See, e.g., In re Dow Chemical, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); In re Keller, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

A. Claims 22, 51, 64, 81, 102, and 113 are Patentable Over Ellis in view of Amit

1. Claim 22 is Patentable

The Office Action indicates that claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 (“*Amit*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of claim 22. More specifically, claim 22 recites:

A master set top terminal (STT), comprising:

a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal;

a *second tuner* tuning the television signal from the received multiplexed signal, into a second tuned television signal;

a radio frequency driver receiving the first tuned television signal and outputting an analog television signal;

a computer, comprising:

a video capture card coupled to the radio frequency driver, receiving the analog television signal and digitizing it for display on a computer monitor;

a NetMeeting program, residing in a memory and running on a processor, receiving the output of the video capture card and compressing the digitized signal;

a network device receiving the output of the NetMeeting program, wherein the network device is an IEEE 802.11b wireless ethernet card which modulates and transmits a wireless signal to a remote STT with a viewing device, and receives control signals from the remote STT corresponding to user input;

an internet connection receiving data from an internet website, which is associated with the tuned television signal, and transferring the data to the network device; and

a controller coupled to the computer and configured to accept the control signals from the computer and instruct the first tuner to change the tuned television signal in response thereto such that the transmitter transmits a changed encoded signal to the remote STT for display on the viewing device. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “master set top terminal (STT), comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning the television signal from the received multiplexed signal, into a second tuned television signal” as recited in claim 22, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “master set top terminal (STT), comprising... a *first tuner* tuning a television

signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning the television signal from the received multiplexed signal, into a second tuned television signal" as recited in claim 22, as amended. Applicants additionally submit that *Amit* fails to overcome the deficiencies of *Ellis*. For at least this reason, claim 22, as amended, is allowable over the cited art.

2. Claim 64 is Patentable

The Office Action indicates that claim 64 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 ("*Amit*"). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of claim 64. More specifically, claim 64 recites:

A television distribution system, comprising:
a remote set top terminal (STT), comprising:

an IEEE 802.11b wireless ethernet device receiving a modulated television signal from a master STT and demodulating the modulated television signal to an encoded video stream and an internet data stream, wherein the received modulated television signal is tuned by the master STT;

a decoder coupled to the output of the wireless ethernet device, and decoding the encoded video stream into a decoded video signal suitable for a viewing device;

a user interface receiving a user input and converting it to a control signal, coupled to the wireless ethernet device sending the control signal to the master STT;

a viewing device coupled to the decoder and displaying the decoded video stream, wherein for a change requested by a user input the remote STT is responsive within a half-second of the user input;

an internet browser coupled to the internet data stream and displaying the internet data stream, wherein when a program change occurs, the internet browser redirects to a website associated with the changed program;

the master STT comprising:

a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal;

a *second tuner* tuning the television signal from the received multiplexed signal into a second tuned television signal;

a radio frequency driver coupled to an output of the first tuner and outputting an analog television signal;
a computer, comprising:

a video capture card coupled to the radio frequency driver digitizing the analog television signal for display on a computer monitor;

a NetMeeting program, residing in a memory and running on a processor, receiving the output of the video capture card and compressing the digitized signal

a network device coupled to the NetMeeting program, wherein the network device is an IEEE 802.11b wireless ethernet card which modulates and transmits the compressed digitized signal to the remote STT, and receives control signals from the remote STT corresponding to a user input;

an internet connection coupled to the internet and receiving data from a website, wherein the data is associated with the tuned television signal, and transferring the data to the network device; and

a controller coupled to the computer and configured to accept the control signals from the computer and instruct the first tuner to change the tuned television signal in response thereto such that the transmitter transmits a changed encoded signal to the remote STT for display on the viewing device within three seconds from the remote STT receiving the user input. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “television distribution system, comprising... [a] master STT comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning the television signal from the received multiplexed signal into a second tuned television signal” as recited in claim 64, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments

disclosed in *Ellis* are different than a “television distribution system, comprising... [a] master STT comprising... a *first tuner* tuning a television signal from a received multiplexed signal, into a first tuned television signal... [and] a *second tuner* tuning the television signal from the received multiplexed signal into a second tuned television signal” as recited in claim 64, as amended. Applicants additionally submit that *Amit* fails to overcome the deficiencies of *Ellis*. For at least this reason, claim 64, as amended, is allowable over the cited art.

3. Claim 81 is Patentable

The Office Action indicates that claim 81 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 (“*Amit*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of claim 81. More specifically, claim 81 recites:

A method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of:

receiving a first compressed video signal from a first tuner of a master STT, wherein the *master STT includes the first tuner and a second tuner*;

decompressing the first compressed video signal;

sending the first video signal to a viewing device;

receiving a user input corresponding to a requested change in the video signal;

deriving a control signal from the user input;

transmitting the control signal to the master STT;

receiving a second compressed video signal from the master STT, the second compressed video signal being tuned by the first tuner of the master STT; and

sending the second compressed video signal to the viewing device within three seconds from receiving the user input. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “method of interactively receiving a video signal from a wireless master set top terminal (STT), the method

comprising the steps of... receiving a first compressed video signal from a first tuner of a master STT, wherein the master STT includes the first tuner and a second tuner" as recited in claim 81, as amended. More specifically, *Ellis* appears to disclose a "remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide..." (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a "method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of... receiving a first compressed video signal from a first tuner of a master STT, wherein the master STT includes the first tuner and a second tuner" as recited in claim 81, as amended. Applicants additionally submit that *Amit* fails to overcome the deficiencies of *Ellis*. For at least this reason, claim 81, as amended, is allowable over the cited art.

4. Claim 102 is Patentable

The Office Action indicates that claim 102 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 ("*Amit*"). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of claim 102. More specifically, claim 102 recites:

A method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of:
receiving a wireless ethernet modulated signal from a master STT that includes **a first tuner and a second tuner**, wherein the modulated signal comprises a first tuned and compressed video signal and a first internet data signal;

demodulating the first wireless ethernet modulated signal to the component parts;

decompressing the first tuned and compressed video signal;

sending the first video signal to a viewing device;

receiving a user input corresponding to a requested change in the first video signal;

deriving a control signal from the user input;

transmitting the control signal to the master STT;

receiving a second tuned and compressed video signal from the master STT;

sending the second tuned and compressed video signal to the viewing device within three seconds from receiving the user input;

providing a internet browser, receiving the first internet data signal; and

redirecting the master STT to a new website such that the internet browser receives a second internet data signal associated with a change in program after the user input. *(emphasis added)*

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of... receiving a wireless ethernet modulated signal from a master STT that includes a first tuner and a second tuner, wherein the modulated signal comprises a first tuned and compressed video signal and a first internet data signal” as recited in claim 102, as amended.

More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However,

Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “method of interactively receiving a video signal from a wireless master set top terminal (STT), the method comprising the steps of... receiving a wireless ethernet modulated signal from a master STT that includes a first tuner and a second tuner, wherein the modulated signal comprises a first tuned and compressed video signal and a first internet data signal” as recited in

claim 102, as amended. Applicants additionally submit that *Amit* fails to overcome the deficiencies of *Ellis*. For at least this reason, claim 102, as amended, is allowable over the cited art.

5. Claim 113 is Patentable

The Office Action indicates that claim 113 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 (“*Amit*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of claim 113. More specifically, claim 113 recites:

A method of interactively distributing a video signal from a master wireless set top terminal (STT), the method comprising the steps of:
receiving a multiplexed signals;
tuning a television signal from the multiplexed signal *with a first tuner* into a first tuned television signal;
tuning the television signal from the multiplexed signal *with a second tuner* into a second tuned television signal;
sending the first tuned television signal to a computer to be digitized by a video capture card and encoded by a NetMeeting program;
using an IEEE 802.11b wireless ethernet device to transmit the encoded signal to a remote STT;
receiving a control signal at the IEEE 802.11b wireless ethernet device, from the remote STT;
changing the transmitted signal in response to the control signal from the remote STT within three seconds of a user input requesting such a change;
providing an internet connection, and sending the data to the wireless ethernet device, allowing the remote STT to browse the internet;
receiving a wireless ethernet modulated signal from the master STT, wherein the signal comprises a first compressed video signal and a first internet data signal;
demodulating the first wireless ethernet modulated signal;
decompressing the first compressed video signal;
sending the decompressed first video signal to a viewing device;

receiving a user input corresponding to a requested change of the first video signal;

deriving a control signal from the user input;

transmitting the control signal to the master STT, and receiving a second compressed video signal from the master STT within three seconds from receiving the user input;

providing a internet browser, receiving the first internet data signal; and

redirecting the internet browser to receive a second internet data signal associated with a change in program after the user input. (*emphasis added*)

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “method of interactively distributing a video signal from a master wireless set top terminal (STT), the method comprising the steps of... tuning a television signal from the multiplexed signal *with a first tuner* into a first tuned television signal [and] tuning the television signal from the multiplexed signal *with a second tuner* into a second tuned television signal” as recited in claim 113, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “method of interactively distributing a video signal from a master wireless set top terminal (STT), the method comprising the steps of... tuning a television signal from the multiplexed signal *with a first tuner* into a first tuned television signal [and] tuning the television signal from the multiplexed signal *with a second tuner* into a second tuned television signal” as recited in claim 113, as amended. Applicants additionally submit that *Amit* fails to overcome the deficiencies of *Ellis*. For at least this reason, claim 113, as amended, is allowable over the cited art.

5. **Claims 4 – 7, 55 – 56, 85 – 86, 93, and 101 are Patentable**

The Office Action indicates that claims 4 – 7, 26 – 27, 41, 49 – 50, 55 – 56, 85 – 86, and 101 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of U.S. Publication Number 2004/0107445 (“*Amit*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* fails to disclose, teach, or suggest all of the elements of these claims. More specifically, dependent claims 4 – 7 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 55 – 56 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. Dependent claims 85 – 86 are believed to be allowable for at least the reason that they depend from allowable independent claim 82. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. **Claims 8 – 14, 57 – 59, 65 – 80, and 94 – 99 are Patentable Over *Ellis* in view of *Amit* and further in view of *Chou***

1. **Claim 65 is Patentable**

The Office Action indicates that claim 65 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of *Amit* and further in view of U.S. Patent No. 6,637,031 (“*Chou*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* and further in view of *Chou* fails to disclose, teach, or suggest all of the elements of claim 65. More specifically, claim 65 recites:

A method of interactively distributing a video signal from a master set top terminal (STT), the method comprising the steps of:
receiving a multiplexed signal;

tuning a television signal from the multiplexed signal into a first tuned television signal ***with a first tuner***;

tuning the television signal from the multiplexed signal into a second tuned television signal ***with a second tuner***;

determining whether the first tuned television signal is encoded, and encoding the tuned television signal if it is not encoded;

transmitting the encoded tuned television signal to a remote STT;

receiving a control signal from the remote STT; and

changing the transmitted signal in response to the control signal from the remote STT within three seconds of a user input requesting such a change. ***(emphasis added)***

Applicants respectfully submit that *Ellis* fails to disclose, teach, or suggest a “method of interactively distributing a video signal from a master set top terminal (STT), the method comprising the steps of... tuning a television signal from the multiplexed signal into a first tuned television signal ***with a first tuner***... [and] tuning the television signal from the multiplexed signal into a second tuned television signal ***with a second tuner***” as recited in claim 65, as amended. More specifically, *Ellis* appears to disclose a “remote access program guide [that] may also provide the user with an opportunity to remotely access video and audio... that is being distributed to the local interactive television program guide...” (p. 12, para. [0133]). However, Applicants respectfully submit that the embodiments disclosed in *Ellis* are different than a “method of interactively distributing a video signal from a master set top terminal (STT), the method comprising the steps of... tuning a television signal from the multiplexed signal into a first tuned television signal ***with a first tuner***... [and] tuning the television signal from the multiplexed signal into a second tuned television signal ***with a second tuner***” as recited in claim 65, as amended. Applicants additionally submit that neither *Amit* nor *Chou* overcome the deficiencies of *Ellis*. For at least this reason, claim 65, as amended, is allowable over the cited art.

2. **Claims 8 – 14, 57 – 59, 66 – 80, and 94 – 99 are Patentable**

The Office Action indicates that claims 8 – 14, 57 – 59, 66 – 80, and 94 – 99 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of *Amit* and further in view of U.S. Patent No. 6,637,031 (“*Chou*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Amit* and further in view of *Chou* fails to disclose, teach, or suggest all of the elements of these claims. More specifically, dependent claims 8 – 14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 57 – 59 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. Dependent claims 66 – 80 are believed to be allowable for at least the reason that they depend from allowable independent claim 65. Dependent claims 94 – 99 are believed to be allowable for at least the reason that they depend from allowable independent claim 82. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. **Claims 91 – 92 are Patentable Over *Ellis* in view of Official Notice**

The Office Action indicates that claims 91 – 92 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of Official Notice. Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of the alleged Official Notice fails to disclose, teach, or suggest all of the elements of these claims. More specifically, dependent claims 91 – 92 are believed to be allowable for at least the reason that they depend from allowable independent claim 82. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VI. Alleged Official Notice and Well Known Findings

Additionally, the Office Action alleges that claims 4 – 5, 7, 11 – 14, 22, 26 – 27, 33, 36, 40 – 41, 49 – 51, 56 – 59, 64, 81, 85 – 86, and 91 – 96 stand rejected, at least in part, in view of Official Notice. Applicants respectfully submit that this is an improper use of Official Notice rejections. More specifically, “[i]n limited circumstances, it is appropriate for an examiner to take Official Notice of facts not in the record or rely on “common knowledge” in making a rejection. However such rejections should be judicially applied” (MPEP §2144.03). Applicants respectfully submit that 31 findings of Official Notice is not a judicial application of these the Official Notice rejection and submit these rejections be withdrawn.

Applicants additionally submit that the Office Action rejects many of these claims as combinations of other rejected claims (e.g., “[t]he limitations of claims 11 – 13, 57 – 19 , and 94 – 96 are combinations of 6, 8, 9, and 11” (OA p. 9, para. 2)). As such, many of the findings of Official Notice are not clear. Applicants respectfully submit that “each pending claim should be mentioned by number and its treatment or status be given” (MPEP §707.07(i)). As the Office Action is unclear as to which claims are rejected under Official Notice, Applicants respectfully submit that the Office Action is not in compliance with MPEP §707.07(i). For at least this reason, Applicants respectfully submit that any subsequent Office Action, if necessary, be nonfinal.

With respect to the substance of the Official Notice findings of claims 4 – 5, 7, 11 – 14, 22, 26 – 27, 33, 36, 40 – 41, 49 – 51, 56 – 59, 64, 81, 85 – 86, and 91 – 96, Applicants respectfully traverse the alleged findings of well known subject matter and submit that the subject matter of these claims should not be considered well known for at least the specific and

particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required.

Applicants additionally submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question, does not rise to an evidentiary level of being well known in the industry. Applicants submits that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combinations, the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverses the cited Official Notice, and submits that claim claims 4 – 5, 7, 11 – 14, 22, 26 – 27, 33, 36, 40 – 41, 49 – 51, 56 – 59, 64, 81, 85 – 86, and 91 – 96 are patentable in view of the cited art. Applicants additionally submit that due to the lack of clarity in the Office Action, any and all rejections the Office Action intends to be aided with Official Notice are traversed for the specific and particular reasons set forth above.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Anthony F. Bonner, Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500